APPEAL NO. 030389
FILED MARCH 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 16, 2003. The hearing officer determined that the _____, compensable injury of appellant (claimant) did not extend to and include right ulnar nerve entrapment or neuropathy. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends the hearing officer erred in failing to find that her injury extends to include right ulnar nerve entrapment or neuropathy. Claimant contends the hearing officer erred in stating that "[t]he first mention of symptoms specifically related to the ulnar-nerve injury claimed here does not occur until August of 2002." We agree that the hearing officer was incorrect in his summary of the evidence in this regard. Dr. H began to suspect ulnar nerve involvement in May 2002 and on June 6, 2002, he stated that claimant had ulnar neuropathy in her right hand that was "related to her initial complaints" and not a new injury. However, the hearing officer correctly stated that medical records began noting right arm complaints in general in July 2001.

Claimant's injury took place on _____. The transcription of claimant's undated recorded statement does not indicate that she mentioned right arm complaints. Claimant did not indicate that she had any complaints regarding the right arm and she did not list the right arm on her June 12, 2001, Employee's Notice of Injury or Occupational Disease and Claim for Compensation (TWCC-41). In his decision, the hearing officer explained why he did not believe that claimant had met her burden regarding extent of injury. The hearing officer did not find credible the evidence that the cervical injury "masked" the right-sided symptoms since the symptoms of the cervical injury were initially to the left side. The hearing officer was also concerned with the late onset of any right-sided symptoms. Even if the hearing officer made the minor misstatement of the evidence, he did explain the reason for his determination. After considering the hearing officer's discussion and explanation, we conclude that the misstatement of the evidence did not lead to any reversible error and is not cause for any remand.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and

preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **GREAT AMERICAN ALLIANCE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

_____
Judy L. S. Barnes
Appeals Judge

CONCUR:

_____
Daniel R. Barry
Appeals Judge

_____
Gary L. Kilgore
Appeals Judge